#### 9719 Lincoln Village Drive, Sulte 303, Sacramento, CA 95827 ♦ (916) 453-0112

March 20, 2001

Mr. Anthony Swoope, Administrator Apprenticeship Training, Employer and Labor Services U. S. Department of Labor Employment and Training Administration 200 Constitution Avenue, N. W. Washington, D.C. 20210

RE: Request for Investigation of the Administration of the California
Division of Apprenticeship Standards and the State Apprenticeship Council

Dear Mr. Swoope:

We are aware of your bureau's current concern over the potential promulgation of certain state apprenticeship regulations which appear to conflict with the Federal Code of Regulation 29-29, and which are intended to inhibit the expansion of apprenticeship opportunities for the vast majority of California's workers who are not affiliated with training programs sponsored by organized labor. The 15-member organizations of this statewide association, whose primary goal and purpose is to advance and foster the growth of quality apprenticeship opportunities in California, share your concerns. Furthermore, we would like to alert you to the fact that under current Division of Apprenticeship Standards policy, as evidenced by the DAS's day-to-day operations, these proposals are already being aggressively implemented and are having a profound and detrimental impact on apprenticeship within California, and particularly the construction industry.

Opportunities for merit shop apprenticeship program approval and expansions of existing programs are regularly being obstructed and denied. Without notification or justification, artificial and cynical administrative roadblocks are being placed in the path of sponsors of merit shop programs on a daily basis. Lawfully requested revisions to merit shop standards are being delayed, "lost" or ignored while requested certificates of completion for graduates of merit shop programs are being delayed for up to 12 months. Apprenticeship agreements (DAS1 forms) of newly indentured merit shop apprentices are held up by the DAS and are often executed several months after submission. We would suggest that there is a pattern here, and this pattern is policy driven, systematic, and unlawful.

Numerous merit shop program sponsors have already initiated costly litigation against the state CAC and DAS as a demand to perform basic administrative requirements by these entities (and many more are being contemplated).

In consideration of these abuses, we urgently request that ATELS commence an immediate audit and investigation of California's Division of Apprenticeship Standards. Further, all participant members of the CAAAT organization are willing to submit specific testimony, and records to assist you in your investigation. In addition, CAAAT would like to invite



you, or any of your representatives to meet with us in order to provide you with a more comprehensive overview of this serious matter, which threatens apprenticeship in California. We will also be happy to share with you information on current litigation now underway or contemplated against the state by any of our members which could assist you in planning your investigation.

We look forward to talking with you regarding this matter in the near future.

Sincerely,

George Moton

President

Enclosure: CAAAT Membership Roster



# Associated Builders & Contractors

Southern California

7933 MAR 16 2001

March 13, 2001

Mr. Anthony Swoope, Administrator Apprenticeship Training, Employer and Labor Services U. S. Department of Labor Employment and Training Administration 200 Constitution Avenue, N. W. Washington, D.C. 20210

Re: California Apprenticeship Council Regulations

ear Mr. Swoope:

We support your efforts to intercede in the California apprenticeship regulation process, and agree with the substance of your January 2001 letter to Henry Nunn, the Chief of the Division of Apprenticeship Standards in California.

To assist your efforts, we have prepared a chart, which is attached to this letter, identifying some of the more obvious conflicts and restrictions which the California Law and/or regulations have with Federal apprenticeship law and regulation.

We encourage you to oppose the existing California Apprenticeship Council regulatory process, and the proposed regulations, and hope that you, and your agency will be successful in pointing out to the appropriate State officials, including Governor Gray Davis, that such restrictions on job training and apprenticeship opportunities are contrary to federal policy and are otherwise unwarranted.

Sincerely,

Susan C. McNiel

**Executive Vice President** 

nclosure

cc: Hon. Elaine Chao, Secretary

U. S. Department of Labor

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PROPOSED CAC REG OR EXISTING

REG OR EXISTING			
			DEACON(O)
I		Yes	State Statute and Proposed Regulations
Reg #212.05	29 CFR 29.1		restrict rather than promote
			apprenticeship opportunities.
	29 CFR 29.2	Yes	Federal law does not require; State
Reg #212(b)(17)			imposes hindrance to administration of
			program.
Reg #212(b)(17)	29 CFR 29.2	Yes	Federal law does not require; State
			imposes hindrance to administration of
			program.
	None	Yes	violates Federal policy to promote
			apprenticeship opportunities.
	None	Yes	Discourages creation of apprenticeship
Reg #212.2			opportunities.
Reg #212.2	29 CFR	Yes	Lets Union programs litigate need for
			non-union programs and limits creation of
			new programs.
Reg #208	29 CFR 29.5(5)	Yes	State Reg mandates specified wage rates
			and interferes with Davis-Bacon
			Requirements.
Reg #208(c)(3)	None	Yes	Requires contractors to consent as
			condition to program's initial approval.
LC #3073.1	None	Yes	Mandates State involvement approval in
			Program Operations.
Reg #206(b)(1)	None	Yes	Regulation imposes obstacle on
			Registration of Apprentices.
Reg #206	29 CFR 29(c)(1)	Yes	Regulation permits State to refuse
			registration of apprentice, contrary to
			federal regulation.
Reg #208	29 CFR 29.5(5)	Yes	State Regulation mandates specified
		ļ	wage and benefit payment methods and
		<u> </u>	interferes with the Davis-Bacon Act.
Reg #208	29 CFR 29.5(5)	Yes	State Regulation mandates specified
			wage and benefit payment methods and
			interferes with the Davis-Bacon Act.
	REFERENCE  LC #30275 Reg #212.05  LC #3080(b) Reg #212(b)(17)  Reg #212(b)(17)  Reg #212.2 Reg #212.05(e) Reg #212.2 Reg #212.2 Reg #212.2  Reg #212.2  Reg #208  LC #3073.1  Reg #206(b)(1)  Reg #206  Reg #208  Reg #208	STATE LABOR CODE         29 C.F.R. 29           REFERENCE         REFERENCE         CC           LC #30275         29 USC 50         29 CFR 29.1           LC #3080(b)         29 CFR 29.2         29 CFR 29.2           Reg #212(b)(17)         29 CFR 29.2         29 CFR 29.2           Reg #212.05(e)         None         29 CFR 29.2           Reg #212.05(e)         None         29 CFR           Reg #212.2         29 CFR         29 CFR           Reg #212.2         29 CFR         29 CFR           Reg #208         29 CFR 29.5(5)         29 CFR 29.5(5)           Reg #206(b)(1)         None         29 CFR 29(c)(1)           Reg #208         29 CFR 29(c)(1)         29 CFR 29.5(5)	STATE LABOR CODE REFERENCE         29 C.F.R. 29           REFERENCE         REFERENCE         CONFLICT           LC #30275         29 USC 50         Yes           Reg #212.05         29 CFR 29.1         Yes           LC #3080(b)         29 CFR 29.2         Yes           Reg #212(b)(17)         29 CFR 29.2         Yes           Reg #212.0         None         Yes           Reg #212.05(e)         None         Yes           Reg #212.2         None         Yes           Reg #212.2         29 CFR         Yes           Reg #208         29 CFR 29.5(5)         Yes           Reg #208         Yes         Yes           Reg #206(b)(1)         None         Yes           Reg #206         29 CFR 29(c)(1)         Yes           Reg #208         29 CFR 29.5(5)         Yes



## Associated Builders & Contractors

Southern California

1956 MAR 16 2001

March 13, 2001

Mr. Anthony Swoope, Administrator Apprenticeship Training, Employer and Labor Services U. S. Department of Labor Employment and Training Administration 200 Constitution Avenue, N. W. Washington, D.C. 20210

Re: California Apprenticeship Council Regulations

Dear Mr. Swoope:

We are writing to you to seek your assistance in halting the process currently underway by the California Apprenticeship Council to severely restrict the growth of apprenticeship training in the State of California.

As you know, the California Legislature recently enacted legislation giving power to the California Apprenticeship Council to adopt administrative regulations on various subjects, including the power to restrict the creation of new apprenticeship programs to instances where the program sponsor can establish a narrowly-defined "training need". The California Apprenticeship Council is presently considering adopting a definition of "training need" for the building and construction trades apprenticeship programs which measures that "need" solely on the basis of what other, competing, apprenticeship programs do or think.

We are in support of your January, 2001, letter to Henry Nunn, and encourage your agency to (1) meet with him as soon as possible; (2) notify the California Governor, Gray Davis, of the conflict of the State law and proposed regulations with Federal law and regulations; (3) seek Congressional hearings on why the State of California is imposing these restrictions and obstacles to apprenticeship training, (4) review all CAC laws and regulations to see if other provisions conflict with federal law, or are acceptable to your agency, (5) begin proceedings to revoke California's approval as a SAC state, and (6) begin proceedings to withdraw any federal funding given to the State of California for job training or apprenticeship purposes.

If we can be of assistance to you in the above endeavors, please feel free to call upon us.

Sincerely,

Susan C. McNiel

Executive Vice President

Hon. Elaine Chao, Secretary U. S. Department of Labor

35 East 10th Street, Suite H Tracy, California 95376-4058



3/15/01

(888) 486-4464 Bus: (209) 830-0336 Fax: (209) 835-8313

March 10, 2001

Mr. Anthony Swoope, Administrator Apprenticeship Training, Employer and Labor Services U. S. Department of Labor Employment and Training Administration 200 Constitution Avenue, N. W. Washington, D.C. 20210

Re: California Apprenticeship Council Regulations

Dear Mr. Swoope:

We support your efforts to intercede in the California apprenticeship regulation process, and agree with the substance of your January 2001 letter to Henry Nunn, the Chief of the Division of Apprenticeship Standards in California.

To assist your efforts, we have prepared a chart, which is attached to this letter, identifying some of the more obvious conflicts and restrictions which the California Law and/or regulations have with Federal apprenticeship law and regulation.

We encourage you to oppose the existing California Apprenticeship Council regulatory process, and the proposed regulations, and hope that you, and your agency will be successful in pointing out to the appropriate State officials, including Governor Gray Davis, that such restrictions on job training and apprenticeship opportunities are contrary to federal policy and are otherwise unwarranted.

Sincerely,

cc:

Jim Young Executive Director

Hon. Elaine Chao, Secretary U. S. Department of Labor

#### PROPOSED CAC REG OR EXISTING

29 C.F.R. 29 STATE LABOR CODE REFERENCE CONFLICT REASON(S) REFERENCE SUBJECT State Statute and Proposed Regulations Yes 29 USC 50 LC #30275 Establishment of Training restrict rather than promote 29 CFR 29.1 Req #212.05 Need For New or apprenticeship opportunities. **Expanded Programs** Federal law does not require; State 29 CFR 29.2 Yes LC #3080(b) Apprentices on Advisory imposes hindrance to administration of Req #212(b)(17) Committee(s) program. Federal law does not require; State Reg #212(b)(17) 29 CFR 29.2 Yes Secret Ballot Elections imposes hindrance to administration of For Advisory Committees program. violates Federal policy to promote Yes Reg #212.2 None Program Expansion apprenticeship opportunities. Reg #212.05(e) Restrictions Discourages creation of apprenticeship Yes Reg #212 None Geographic Area opportunities. Reg #212.2 Operational Limitations Lets Union programs litigate need for non-Yes 29 CFR Reg #212.2 New Program(s) -\_ union programs and limits creation of new Consultation with Existing programs. **Programs** State Reg mandates specified wage rates Yes 29 CFR 29.5(5) Equal Minimum Wage Req #208 and interferes with Davis-Bacon Rates for Union and Non-Requirements. **Union Programs** Yes Requires contractors to consent as Wage Rate Audits of Reg #208(c)(3) None condition to program's initial approval. Contractors Mandates State involvement approval in Yes LC #3073.1 None Program Operations Program Operations. Audits Regulation imposes obstacle on Yes Reg #206(b)(1) None ime Limit on Registration Registration of Apprentices. of Apprentice Agreements Regulation permits State to refuse 29 CFR 29(c)(1) Yes Reg #206 Approval by CAC or DAS registration of apprentice, contrary to of Apprentice Registration federal regulation. State Regulation mandates specified 29 CFR 29.5(5) Yes Restrictions on Fringe Req #208 wage and benefit payment methods and **Benefit Payments** interferes with the Davis-Bacon Act. State Regulation mandates specified 29 CFR 29.5(5) Yes Public Works Wages on Reg #208 wage and benefit payment methods and **Private Construction** interferes with the Davis-Bacon Act.



March 9, 2001



2020 Hancock Street, San Diego, CA 92110-2009 619-294-2020 Phone 619-294-2527 Fax

Governor State of California The Capitol

Sacramento, California 95814

Honorable Gray Davis

001 MAR 12 P 12: 42

OF THE SECRETARY

SEPARTMENT OF LABOR

ASHINGTON, D.C., 20210

Re: California Apprenticeship Council -Proposed Regulations Restricting Job
Training and Apprenticeship Opportunities

Dear Governor Davis:

We seek your personal involvement in a current and growing problem in the State of California — the curtailment of job training and apprenticeship opportunities in the building and construction trades. Our organization represents numerous construction firms who, collectively, employ hundreds, or thousands, of construction workers.

One of the State's Executive Department Agencies, the Department of Industrial Relations ("DIR") — through its California Apprenticeship Council ("CAC") — is in the process of adopting administrative regulations which will have the effect of stymieing the growth of those opportunities for all California workers.

The proposed regulations are, in part, considered by the federal government to be contrary to the policy of the National Apprenticeship Act ("NAA"), and its implementing regulations. The Administrator of the federal agency involved, Anthony Swoope, Administrator of the Apprenticeship Training, Employer and Labor Services Agency ("ATELS") of the U.S. Department of Labor, recently wrote to the state Division of Apprenticeship Standards ("DAS"), in relation to the CAC's proposed regulation defining training "need" and said:

"Accordingly, ATELS has preliminarily determined that 3075(b) [of the State Labor Code] and proposed [regulation] Section 212.05 are contrary to the mandate of the NAA and its implementing regulations."

We, likewise, believe that such provisions are contrary to federal policy. And, we wish to advise you that such provisions, and others being considered by the CAC for adoption, will have serious adverse impacts on the State and its economy, to wit:

1. Loss of Jobs. Some of the proposed regulations under consideration will result in such an extreme increase in the "minimum wage" for beginning building trades apprentices — in some instances an increase from just under \$10.00 per hour presently to more than \$15 per hour — that construction firms will, simply by the application of economic forces, dismiss current "apprentices" and hire "journey level" individuals to perform work. And, when the "cost of apprenticeship wages" exceeds the cost of "journey level wages" in the free marketplace, as it will about half-way during an apprenticeship training, such "high cost" apprentices will not be hired and trained, but simply remain unemployed. This will be especially so in the private sector of construction, one sector of the State's economy which the State can not afford to ignore.

- 2. Decrease in New Job Opportunities. The proposed regulations restrict the creation of new apprenticeship programs in the State, and restrict the "expansion" of existing apprenticeship programs. This will work to the disadvantage of all workers in the State, especially those minorities and women who may wish to learn a skill in the building trades. It should go without saying that the State whose policy is to encourage apprenticeship training and education should not be creating barriers to training, but should be making it easier for new job training programs to be created.
- 3. Increased Costs to State. Other proposed regulations will insert the State, and its administrative agencies, into auditing, monitoring, and enforcing apprenticeship wages and fringe benefits on "private works" and "federal" construction projects. Those functions, in which the State agencies have little or no experience, and for which applicable State agencies will have to increase their staffs, will unnecessarily increase the State's budget.
- 4. Likelihood of Lawsuits. The proposed regulations are so extreme in their impact on private sector construction that numerous interest groups, trade associations, and individual construction contractors are likely to initiate litigation against the State, the CAC, and the Director of DIR. Further, the current dichotomy between the U.S. Department of Labor and the State's DAS and CAC could result in administrative or civil litigation by the Federal Government against the State, as well as the possible loss of federal funding of certain job training activities. The CAC, and the Director of the D.I.R., Stephen Smith, up to now, appear to be oblivious to the prospects of litigation, whether the same is initiated under the State's Government Code for non-compliance with the administrative regulation adoption requirements, under Federal statutes such as ERISA, NAA, or the NLRA, or under the provisions of the California and US Constitutions. Litigation, which should be the last option utilized by anyone, can be avoided if the CAC would simply slowdown and seriously consider, in good faith, the hundreds of public comments and suggestions received by the CAC in the several thousand letters filed with it during the regulatory process. The CAC, however, led by a private sector union official pushing a "union vs. non-union" agenda, has failed, thus far, to do so.

We urgently, and earnestly, request your involvement. Perhaps, you as the Governor of all the people in the State, can lend a small amount of your time and attention to this growing problem.

Sincerely,

Russell Hoffman

Karvon Electrical Corporation

cc: Hon. Elaine Chao, Secretary, U.S. Department of Labor Richard B. Cheney, Vice President of the United States



## Apprenticeship Training Trust

#### Associated Builders & Contractors

4499 Ruffin Road, Suite 300 • San Diego, CA 92123 • (858) 492-9300 FAX (858) 492-9394

March 6, 2001

Mr. Anthony Swoope, Administrator Apprenticeship Training, Employer and Labor Services U. S. Department of Labor Employment and Training Administration 200 Constitution Avenue, N. W. Washington, D.C. 20210

Re: California Apprenticeship Council Regulations

Dear Mr. Swoope:

We are writing to you to seek your assistance in halting the process currently underway by the California Apprenticeship Council to severely restrict the growth of apprenticeship training in the State of California.

As you know, the California Legislature recently enacted legislation giving power to the California Apprenticeship Council to adopt administrative regulations on various subjects, including the power to restrict the creation of new apprenticeship programs to instances where the program sponsor can establish a narrowly-defined "training need". The California Apprenticeship Council is presently considering adopting a definition of "training need" for the building and construction trades apprenticeship programs which measures that "need" solely on the basis of what other, competing, apprenticeship programs do or think.

We are in support of your January, 2001, letter to Henry Nunn, and encourage your agency to (1) meet with him as soon as possible; (2) notify the California Governor, Gray Davis, of the conflict of the State law and proposed regulations with Federal law and regulations; (3) seek Congressional hearings on why the State of California is imposing these restrictions and obstacles to apprenticeship training, (4) review all CAC laws and regulations to see if other provisions conflict with federal law, or are acceptable to your agency, (5) begin proceedings to revoke California's approval as a SAC state, and (6) begin proceedings to withdraw any federal funding given to the State of California for job training or apprenticeship purposes.

If we can be of assistance to you in the above endeavors, please feel free to call upon us.

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Sincerely,

ABC APPRENTICESHIP TRAINING TRUST

Ms. Sherry J. Yarbrough Senior Director of Education

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#### Western Electrical Contractors Association, Inc.

Sacramento Chapter of IEC

March 5, 2001

Mr. Anthony Swoope, Administrator Apprenticeship Training, Employer and Labor Services U. S. Department of Labor Employment and Training Administration 200 Constitution Avenue, N. W. Washington, D.C. 20210

Re: California Apprenticeship Council Regulations

Dear Mr. Swoope:

We support your efforts to intercede in the California apprenticeship regulation process, and agree with the substance of your January 2001 letter to Henry Nunn, the Chief of the Division of Apprenticeship Standards in California.

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Sincerely,

Frank R. Stephens

Government Affairs Director

cc: Hon. Elaine Chao, Secretary

U. S. Department of Labor

I R Staphone

PROPOSED CAC REG OR EXISTING

	KEO OK EMOTING			
	STATE LABOR CODE	29 C.F.R. 29	00151107	*
SUBJECT	REFERENCE	REFERENCE	CONFLICT	
Establishment of Training	LC #30275	29 USC 50	Yes	State Statute and Proposed Regulations
Need For New or	Reg #212.05	29 CFR 29.1		restrict rather than promote
Expanded Programs				apprenticeship opportunities.
Apprentices on Advisory	LC #3080(b)	29 CFR 29.2	Yes	Federal law does not require; State
Committee(s)	Reg #212(b)(17)			imposes hindrance to administration of
				program.
Secret Ballot Elections	Reg #212(b)(17)	29 CFR 29.2	Yes	Federal law does not require; State
For Advisory Committees				imposes hindrance to administration of
, c, , idvicer, cerminates				program.
Program Expansion	Reg #212.2	None	Yes	violates Federal policy to promote
Restrictions	Reg #212.05(e)			apprenticeship opportunities.
Geographic Area	Reg #212	None	Yes	Discourages creation of apprenticeship
Operational Limitations	Reg #212.2	1	1 .00	opportunities.
New Program(s)	Reg #212.2	29 CFR	Yes	Lets Union programs litigate need for
Consultation with Existing	1109 #212.2	25 01 13	103	non-union programs and limits creation of
·				new programs.
Programs	Reg #208	29 CFR 29.5(5)	Yes	State Reg mandates specified wage
Equal Minimum Wage	Rey #200	29 CFR 29.5(5)	162	
Rates for Union and Non-				rates and interferes with Davis-Bacon
Union Programs				Requirements.
Wage Rate Audits of	Reg #208(c)(3)	None	Yes ·	Requires contractors to consent as
Contractors				condition to program's initial approval.
Program Operations	LC #3073.1	None	Yes	Mandates State involvement approval in
Audits				Program Operations.
ime Limit on	Reg #206(b)(1)	None	Yes	Regulation imposes obstacle on
Registration of Apprentice			l I	Registration of Apprentices.
Agreements				
Approval by CAC or DAS	Reg #206	29 CFR 29(c)(1)	Yes	Regulation permits State to refuse
of Apprentice Registration		1 , , ,		registration of apprentice, contrary to
or, apprention regionation				federal regulation.
Restrictions on Fringe	Reg #208	29 CFR 29.5(5)	Yes	State Regulation mandates specified
Benefit Payments	J			wage and benefit payment methods and
Contragnitions				interferes with the Davis-Bacon Act.
Public Works Wages on	Reg #208	29 CFR 29.5(5)	Yes	State Regulation mandates specified
Private Construction	,		1 . 55	wage and benefit payment methods and
I male constituction				interferes with the Davis-Bacon Act.
	1			interiors with the Davis-Dacon Act.



2020 Hancock Street, San Diego, CA 92110-2009 619-294-2020 Phone 619-294-2527 Fax

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If we can be of assistance to you in the above endeavors, please feel free to call upon us.

Sincerely,

Russell Hoffman

Karvon Electrical Corporation

cc: Hon. Elaine Chao, Secretary

U. S. Department of Labor





1957

March 5, 2001

Mr. Anthony Swoope, Administrator Apprenticeship Training, Employer and Labor Services U. S. Department of Labor Employment and Training Administration 200 Constitution Avenue, N. W. Washington, D.C. 20210

Re: California Apprenticeship Council Regulations

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Sincerely,

cc: Hon. Elaine Chao, Secretary

U. S. Department of Labor





### ROCKWELL ELECTRIC, INC.

Integrated Electrical Services™

March 5, 2001

Mr. Anthony Swoope, Administrator Apprenticeship Training, Employer and Labor Services U. S. Department of Labor Employment and Training Administration 200 Constitution Avenue, N. W. Washington, D.C. 20210

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Sincerely

Rockwell W. Swanson, President

cc:

Hon. Elaine Chao, Secretary U. S. Department of Labor

### Plumbing-Heating-Cooling Contractors of California



1911 F Street Sacramento, CA 95814

March 5, 2001

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Sincerely.

ck Heesch President 257

Phone: (916) 446-7422 Fax: (916) 443-4124 www.caphcc.org

# Westway Electric Systems, Inc.

000106

ELECTRICAL CONTRACTING C-10 License #417871 P.O. BOX 8645 GLENDALE, CALIFORNIA 91224 (323) 663-3756 • FAX (323) 662-3779

March 5, 2001

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Sincerely,

Chris Lang President

CC:

Hon. Elaine Chao, Secretary U. S. Department of Labor

3 | 15101 1938 000105



March 5, 2001

Mr. Anthony Swoope, Administrator Apprenticeship Training, Employer and Labor Services U. S. Department of Labor Employment and Training Administration 200 Constitution Avenue, N. W. Washington, D.C. 20210

Re: California Apprenticeship Council Regulations

Dear Mr. Swoope:

We support your efforts to intercede in the California apprenticeship regulation process, and agree with the substance of your January 2001 letter to Henry Nunn, the Chief of the Division of Apprenticeship Standards in California.

To assist your efforts, we have prepared a chart, which is attached to this letter, identifying some of the more obvious conflicts and restrictions which the California Law and/or regulations have with Federal apprenticeship law and regulation.

We encourage you to oppose the existing California Apprenticeship Council regulatory process, and the proposed regulations, and hope that you, and your agency will be successful in pointing out to the appropriate State officials, including Governor Gray Davis, that such restrictions on job training and apprenticeship opportunities are contrary to federal policy and are otherwise unwarranted.

Sincerely,

Brien Pariseau President

cc:

Hon. Elaine Chao, Secretary

U. S. Department of Labor

PRO	POSED CAC	
REG	OR EXISTING	3

REG OR EXISTING			
		ONELICE	REASON(S)
			State Statute and Proposed Regulations
		Yes	restrict rather than promote
Reg #212.05	29 CFR 29.1		restrict father than promote
			apprenticeship opportunities.
LC #3080(b)	29 CFR 29.2	Yes	Federal law does not require; State
Reg #212(b)(17)			imposes hindrance to administration of
			program.
Reg #212(b)(17)	29 CFR 29.2	Yes	Federal law does not require; State
			imposes hindrance to administration of
			program.
Reg #212.2	None	Yes	violates Federal policy to promote
			apprenticeship opportunities.
	None	Yes	Discourages creation of apprenticeship
			opportunities.
	29 CFR	Yes	Lets Union programs litigate need for
, ,			non-union programs and limits creation of
			new programs.
Reg #208	29 CFR 29.5(5)	Yes	State Reg mandates specified wage
, –		1	rates and interferes with Davis-Bacon
			Requirements.
Reg #208(c)(3)	None	Yes	Requires contractors to consent as
1109 "===(=)(=)			condition to program's initial approval.
LC #3073 1	None	Yes	Mandates State involvement approval in
20 1100 10:1			Program Operations.
Reg #206(b)(1)	None	Yes	Regulation imposes obstacle on
			Registration of Apprentices.
Reg #206	29 CFR 29(c)(1)	Yes	Regulation permits State to refuse
1	(,(,		registration of apprentice, contrary to
11		ł	federal regulation.
Peg #208	29 CFR 29 5(5)	Yes	State Regulation mandates specified
Ney #200	1 200,1(20,5(0)		wage and benefit payment methods and
			interferes with the Davis-Bacon Act.
Peg #208	29 CFR 29.5(5)	Yes	State Regulation mandates specified
INCY #200	25 5 25.5(5)		wage and benefit payment methods and
i i	1	1	interferes with the Davis-Bacon Act.
	REFERENCE  LC #30275  Reg #212.05  LC #3080(b)  Reg #212(b)(17)	STATE LABOR CODE REFERENCE         29 C.F.R. 29 REFERENCE           LC #30275         29 USC 50 29 CFR 29.1           LC #3080(b) Reg #212(b)(17)         29 CFR 29.2           Reg #212(b)(17)         29 CFR 29.2           Reg #212.2 Reg #212.05(e)         None           Reg #212.2 Reg #212.2         None           Reg #212.2 Reg #212.2         29 CFR 29.5(5)           Reg #208         29 CFR 29.5(5)           Reg #206(b)(1)         None           Reg #206(b)(1)         None           Reg #208         29 CFR 29(c)(1)           Reg #208         29 CFR 29(c)(5)	STATE LABOR CODE REFERENCE         29 C.F.R. 29           REFERENCE         CONFLICT           LC #30275         29 USC 50         Yes           Reg #212.05         29 CFR 29.1         Yes           LC #3080(b)         29 CFR 29.2         Yes           Reg #212(b)(17)         29 CFR 29.2         Yes           Reg #212.2         None         Yes           Reg #212.05(e)         None         Yes           Reg #212.2         29 CFR         Yes           Reg #212.2         29 CFR 29.5(5)         Yes           Reg #208         29 CFR 29.5(5)         Yes           LC #3073.1         None         Yes           LC #3073.1         None         Yes           Reg #206(b)(1)         None         Yes           Reg #206         29 CFR 29(c)(1)         Yes           Reg #208         29 CFR 29(c)(1)         Yes

MAK 2 0 2001 19(0)

#### Northern California Painting & Decorating Contractors of America Unilateral Apprenticeship Committee

1268 Missouri Street, San Francisco, Ca. 94107 415-643-8616 (phone/fax)

March 5, 2001

000014

Mr. Anthony Swoope, Administrator Apprenticeship Training, Employer and Labor Services U. S. Department of Labor Employment and Training Administration 200 Constitution Avenue, N. W. Washington, D.C. 20210

Re: California Apprenticeship Council Regulations

Dear Mr. Swoope:

We support your efforts to intercede in the California apprenticeship regulation process, and agree with the substance of your January 2001 letter to Henry Nunn, the Chief of the Division of Apprenticeship Standards in California.

To assist your efforts, we have prepared a chart, which is attached to this letter, identifying some of the more obvious conflicts and restrictions which the California Law and/or regulations have with Federal apprenticeship law and regulation.

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Sincerely,

Thomas Lewis

Stan Reynolds

rances Doherty

**Unilateral Apprenticeship Committee** 

## Northern California Painting & Decorating Contractors of America Unilateral Apprenticeship Committee 1268 Missouri Street, San Francisco, Ca. 94107 415-643-8616 (phone/fax)

PROPOSED CAC REG OR EXISTING

STATE LABOR CODE 29 C.F.R. 29

Establishment of Training Need For New or Expanded Programs Apprentices on Advisory Committees Program Expansion Restrictions Reg #212.0 None Reg #212.0 Reg #212.0 None Reg #212.0 Reg #2	SUBJECT	REFERENCE	REFERENCE CO	ONFLIC	
New or Expanded Programs  Apprentices on Advisory Reg Committee(s) #212(b)(17)  Secret Ballot Reg #212(b)(17)  Frogram Expansion Restrictions  Reg #212.05(e)  Geographic Area Operational Limitations  New Program(s) — Consultation with Existing Programs  Equal Minimum Wage Rates for Union and Non-Union Programs  Wage Rate Audits of Contractors  Wage Rate Audits of Contractors  Wage Rate Audits of Contractors  Time Limit on Reg #208  Apprentice Apprentice Reg #206 Beg #206 Contractors  Approval by CAC or DAS of Apprentice Reg #208  Approval by CAC or DAS of Apprentice Reg #208  Reg #208  Program Sepansion Reg #208  Approval by CAC or DAS of Apprentice Reg #208  Reg #208  Program Sepansion Reg #208  Program Operations Advisor Reg #208  Reg #200  Program Operation Reg #208  Program Operation Reg #208  Reg #200  Reg #200  Program Operations Addits of Contractors  Reg #200  Reg #200  Reg #200  Reg #200  Reg #200  Program Operations Addits on Apprentice Registration of Apprentice Registration of Reg #208  Reg #200  Re		LC #30275	1	Yes	
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Limitations  New Program(s) Consultation with Existing Programs  Reg #212.2 29 CFR Yes Lets Union programs litigate need for non-union programs and limits creation of new programs.  Equal Minimum Wage Rates for Union and Non-Union Programs  Wage Rate Audits of Contractors  Wage Rate Audits of Reg #208(c)(3)  Program Operations Audits  Time Limit on Registration of Apprentice Agreements  Approval by CAC or DAS of Apprentice Registration  Restrictions on Reg #208  Reg #208  Program Operations Apprentice Registration  Reg #208  Reg #208  Program Operations Apprentice Registration  Restrictions on Reg #208  Reg #208  Program Operations Apprentice Registration  Restrictions on Reg #208  Reg #208  Program Operations Apprentice Registration  Restrictions on Reg #208  Reg #208  Program Operations Apprentice Registration  Restrictions on Reg #208  Reg #208  Program Operations Apprentice Registration of Apprentice, contract to federal regulation.  Restrictions on Reg #208  Program Operations Apprentice Registration of Apprentice, contract to federal regulation mandates					apprenticeship opportunities.
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on made	· ·				
Construction   payment methods and interferes   with the Davis-Bacon Act.	Construction				

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From:

Kathy Gomes <kathy@atc-hvac.com>

To:

"'aswoope@doleta.gov" <aswoope@doleta.gov>

Date:

Thu, Mar 1, 2001 7:53 PM

All Temperatures Controlled, Inc. 9720 Topanga Canyon Place Chatsworth, CA 91311 (800) 585-5535 - (818) 882-1478 Fax (818) 773-9437 Lic. No. 658722

January 31, 2001

Anthony Swoope. Employment and Training Administration

RE: Recent California legislation that dramatically reduces access to apprenticeship programs

Dear Mr. Swoope:

I must alert you that the California State Legislature recently enacted regulations

Designed to limit apprentice-training opportunities throughout the state. While your

Agency is attempting to expand opportunities for apprenticeship training, Governor

Davis has signed legislation (AB 921) that will limit opportunity. Union officials wrote

this bill to shut down merit shop training programs as a market recovery strategy.

We believe the federal Office of Apprenticeship Training should take a hard look at

California's misguided efforts to take away training opportunities. We ask that you

Investigate the implementation of this legislation. Help us overcome the proliferation of

State laws that inhibit, rather than encourage participation in apprenticeship training.

Sincerely,

George Mego All Temperatures Controlled, Inc.